

Town of Chatham
Meeting Minutes May 25, 2017

Zoning Board of Appeals
Approved Copy

ZBA Members Present:

Kandace Eaton, Chairperson
Daniel Persing
Adrian Ooms
Michael Richardson
Stephen Day
John Lyons – Town Attorney
Kim Garrison

Public Present: Maria Lull, John Wapner

Robert Walker, Andy Howard Esq.
John & Anita Fiorillo,
Pat Collins, Abi Mesick
Donal Collins, Jacob Mesick
Meg Agnew, Larry Machiz
Claiborne Walthall,
Michelle Apland, Adelle Klaiman
Meta Buttenheim, Randy Goold
Rich Kratt, Sheri Mulligan

The meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited. Chairperson Kandace Eaton begins by introducing the Board as well as John Lyons and Kim Garrison. Chairperson Eaton states the last sentence in the minutes needs to be changed and asks the Board if they have any other comments, no response.

Motion to approve the minutes as amended made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

An Application for Use Variances from Flying Deer Nature Center to allow a Special Use permit for recreational facilities and buildings of property located at 122 Daley Road, Chatham, NY 12037. Chairperson Eaton states this is a continuation of an informational meeting from the previous months meeting. Mr. Walthall states they have provided new information to answer the questions from last month as well as questions and issues from the Planning Board meeting. Mr. Walthall explains the letter dated May 8th, 2017 regarding the current residence on the property, and that it will remain a residence for Michelle Apland and Devin Franklin. Mr. Walthall explains the concept and details of the site plan, parking area, uses of the current structures and the pit toilets.

Chairperson Eaton asks about the widening of the driveway so that it can accommodate two way traffic, Ms. Apland states it is noted on the plans. Mr. Walthall states they have supplied a traffic study and explains the programs and the different traffic for each program and that they are looking into directing all traffic to use the County Route 9 entrance for Daley Road.

Mr. Walthall addresses the water source and septic are already on site for the residence and is scheduled to be tested by the Department of Health. Ms. Apland adds that they are inspected two times each year by the Department of Health for the pit toilets at their current location.

Mr. Walthall states that for large events, there is only one which is family day and it is one Saturday a year and it is about 140 people and they could use the fields for overflow parking. Ms. Apland explains the barns will be used as shelter in case of weather and are also approved by the Department of Health. Chairperson Eaton asks if they can get something in writing from the DOH, Ms. Apland says she will ask, but normally they don't write up anything until it is completed.

Mr. Walthall states the Planning Board had asked about development on the property and growth of the school and adds that the Laskins want to donate the property to FDNC so that it doesn't get

developed and that the school is pretty much where they want it to be maybe a few more kids over the years but never hundreds of children. Mr. Richardson asks about the number of homes on Daley Road that the traffic will be passing and how many of them are year round residences. Ms. Apland states there are 4 and 1 is not year round. Mr. Walthall adds that most are weekenders and the camp is during the week. Mr. Lyons adds that the Board has the authority to put conditions on the approval and request copies of the transfer of the land be submitted.

Chairperson Eaton states the Board feels the conditions requested have been met and agree the Application is complete. Mr. Lyons states the Application needs to be referred to the Columbia County Planning Board, the Planning Board has requested to be lead agency for SEQRA and a joint Public Hearing needs to be set for the ZBA and Planning Board and the abutters need to be notified by the Applicant. A motion to determine the Application complete made by Mr. Persing, seconded by Mr. Richardson all in favor, motion carried.

An Application for an Interpretation of the code 180-38A from Donal Collins & Abi Mesick regarding the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037. Chairperson Eaton states the Public hearing is called to order at 7:43PM and states for the Public to ensure a productive meeting that everyone that speaks to speak directly to the Board and Mr. Lyons adds that typically a Public Hearing begins with a small presentation from the Applicant and then the public will have a chance to speak.

A motion to open the Public Hearing made by Mr. Day, seconded by Mr. Persing all in favor, motion carried.

Mr. Collins presents the Board with colored hand outs of the presentation and adds they are now part of the Agricultural District 10 and begins his power point presentation. Mr. Day asks if the bin is above or below the height of the wires, Mr. Collins states the ladder extends above the height of the wires at 16'10" and that it should be exempt from building codes since it is an agricultural structure. Mr. Day asks how the bin was delivered and if it was built, Mr. Collins states he has a 16' flat bed truck he brought it in with and was fully assembled, Mr. Ooms adds that they can come assembled or you can assemble them yourself. Mr. Lyons states they will now open the floor for the public to speak and that each person should clearly identify themselves for the record.

Andrew Howard Esq., states he is representing the Fiorillo's, the neighbors of Donal and Abi and states the Board needs to conduct the 5 part test for a variance. Mr. Howard adds that this is a set back issue, not a farming issue and presents the Board with handouts. Mr. Howard adds that if the variance is granted they are looking at a 70 to 80% variance, it is self created and there are feasible alternative locations.

Public Member, Anita Fiorillo comes before the Board and presents the Board with a handout that she then reads verbatim from. Public Member, John Fiorillo comes before the Board and presents the Board with a handout he reads verbatim from. Mr. Ooms states that the deterioration of the road would not change by the location of the grain bin. Mr. Day adds the road is there to serve the populous not the reverse and that it is the towns responsibility to make the roads serviceable.

Public Member, Jacob Mesick states he has watched Donal on a daily basis carry the grain in five gallon buckets to the cows instead of driving it. Public Member, Sheri Mulligan states she owns a small farm in Canaan and the towns are supposed to be making farming easy and this would not be

harming the roads and you cannot look at a topographical map and make a decision about where a grain bin could be placed.

Public Member, Kim Bass states she has been farming for many years and states that lately it has been very difficult to get down the road to visit her friends the Fiorillo's.

Mr. Lyons states he would like to clarify the Applicant has withdrawn the Application for an Area Variance and it is now an Interpretation Application and whether the grain bin is allowed to be placed were it is with the setbacks. Mr. Lyons adds that if the Public Hearing is to be extended another month to be sure everyone that wants to be heard is, but to not repeat anything already said. Mr. Ooms states this should go to Ag & Markets and let them make the decision.

Motion to close the Public hearing made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

Mr. Lyons states the clock is now ticking and the Board has 62 days to make a decision.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Persing and the meeting adjourned at 9:26 PM.

Kandace Eaton, ZBA Chairman
June 19th, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

NOTICE OF PUBLIC MEETING
Zoning Board of Appeals
Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of Chatham has scheduled a public meeting on June 22, 2017 at 7:00 PM at the Chatham Town Hall located at 488 Rt. 295, Chatham, NY. The following matters will be discussed at the meeting:

- 1) A Public Hearing for an interpretation from Donal Colins & Abi Mesick to allow the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037. The grain bin/silo does not meet the front-yard setback requirements of the Town of Chatham Zoning Code.
- 2) An Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25).

Copies of the application materials are available for public review at the Town Hall located at the address specified above during normal business hours - Monday 9 AM to 3PM and Thursday 9 AM to 3 PM.

Dated July 17, 2017

Kandace Eaton, Chairperson
Zoning Board of Appeals

Town of Chatham
Meeting Minutes June 22, 2017

Joint Planning Board & Zoning Board of Appeals
Approved Copy

ZBA Members Present:

Kandace Eaton, Chairperson
Daniel Persing
Adrian Ooms
Michael Richardson
Stephen Day
John Lyons – Town Attorney
Kim Garrison
Gabriella Sperry, Planning Board Chairperson
Angus Eaton
Robert Walker
John Catlett
Frank Haimbach
Aven Kerr
Cindy Meyers

Public Present: Maria Lull, Claiborne Walthall
Meg Agnew, Larry Machiz, Merlin Wissauessor
Peter Elliot, Eric Tull, Jonathan Applefield
Richard Karpinski, Edward Cabot, Michele Kilcer
Eric Williams, Steven Anderson, Jim & Joan Catlett
Louis Gerrain, William Sohmer,
Mary Lou Schillinger, Rebecca Sadlord,
Devin Franklin, Michelle Aplan
Donal Collins, Abi Mesick, Pat Collins
John & Anita Fiorillo

The meeting was called to order at 7:02 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by having each Board Member introduce themselves as well as John Lyons and Kim Garrison. Chairperson Eaton reads off the general rules to the Public for speaking regarding the Applications and they will begin with a five minute limit so that everyone can speak at least once. Mr. Lyons asks that everyone speaking states their name and address clearly for the record.

Public Hearing for an Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25). Motion to open the Public Hearing made by Mr. Day, seconded by Mr. Persing, all in favor, motion carried. Chairperson Eaton states that the Public Notice was printed in the paper and posted on the Town Website. Chairperson Eaton then reads the Application and the names of each person that sent in an email and that they have been submitted for the record. Mr. Lyons states usually the Applicant begins with a small presentation.

Mr. Walthall, the Attorney representing the Applicants introduces himself and the Applicants as well as Mr. Machiz, the Attorney for current property owners. Mr. Walthall gives a brief explanation of the program, the traffic concerns and that this is a nature program so they do not want to disturb the land, they have also requested the letter from the Natural Heritage Program for the endangered species. Mr. Machiz adds that before this opportunity arose, the Laskins did have other offers on the land from developers and the owners were not interested in developing the land.

Public Members, Sarah and Zeina Assi begin by stating that Zeina has been attending FDNC since she was 3 and is now 9 and this would be a great asset to the community. Mr. Walker asks if they are Chatham residents, they are but attend Woodland Hill Montessori School. Public Members Skylar and Amanda Trienans state Skylar does go to Chatham School as well as FDNC and it is a very enriching and inspiring program. Public Member, Lilly Coral a New Lebanon resident states that Flying Deer is the main reason her family moved back to this area was so her children could go to the program and that she currently lives on the road of their current location at the peak traffic

hours they don't ever see a flood of traffic at pick up and drop off times. Public Member Kristi Birner states her 7 year old goes to Chatham School District and participates in FDNC and this would be great for the community and for kids to help expose them to nature. Public Member Eric Tull states he is a resident of Daley Road and is behind the FDNC program and that it is great for children but opposes this location due to the traffic and thinks that they have done an extraordinary job on the research with Joe Rickert, etc... however it is not enforceable to get all the traffic to use just one entrance of Daley Road. Chairperson Sperry asks if he lives here fulltime, Mr. Tull states he plans to retire here which will be any minute. Mr. Catlett asks where his house is located on Daley Road, Mr. Tull states he is the fourth house from the Route 295 entrance. Public Member Rusty Vazac states he would like to know where the wet lands are located on Daley Road and that the current owners, the Laskins had numerous employees due to the health of Mr. Laskin which created a lot of traffic at that time. Mr. Vazac adds that FDNC would be great neighbors and it is a great program and it could open the property to many different possibilities if they are denied this application.

Mr. Walker asks to confirm with the Applicant they do not have buses, Ms. Agnew states they currently do not have buses, however they have proposed getting a bus to help minimize traffic on Daley Road.

Public Member, Lou Gearin states he is a neighbor and was also an Environmental Conservation Officer and two or three of the events scheduled are on opening deer season and adds that he would be more than willing to help the camp with hunting season. Public Member, Eric Williams states he is at 124 New Concord Road and thinks that this sounds like a wonderful program but is not sure it belongs in a residential neighborhood and is concerned about noise, such as music, etc... Public Member, Ron Tulcy states he has been a resident of Daley Road for 30 years and thinks this is a fabulous organization and commends the Applicants for their efforts in working with the neighbors but is concerned about the level of traffic and the entrance from Route 295.

Chairperson Sperry states that both the Planning and Zoning Boards have done a site visit, so they are all familiar with the site and road conditions.

Public Member, Dan Michaud states his children are now adults but attended FDNC and believes it made them into who they are today, and the members are still involved in their lives today. Public Member, Sam Tull states he currently works at FDNC and lives down the road from them and this program actually saved his life and this would only be an improvement to the neighborhood. Public Member, Jonathan Applefield states he is a weekender at 174 Daley Road and even though he had signed the petition against them he now hopes this gets approved, adding that tonight they have addressed his concerns regarding the two entrances on Daley Road. Public Member, Mary Schillinger had two children who combined have spent 22 years at FDNC as children and counselors and both went into earth science and believes this program was the reason. Ms. Schillinger adds that they also teach children to be quiet and that they would be great neighbors on Daley Road. Public Member, Peter Elliot states he is at 20 Daley Road, the first house on the right by the 295 entrance and is only concerned about the safety of the road especially March thru April. Chairperson Eaton asks about the running water on Daley Road, Mr. Elliot states he is not sure where it comes from. Public Member, Merlin Wissauessor states he lives in Canaan and used to be a builder and that he knew a builder that was interested in this property and it would be a prime property to build on. Mr. Machiz, the Attorney for the Laskins adds that they always had a great relationship with the neighbors and are environmentalists and want to keep this land from being developed. Mr. Catlett asks if CLC is going to be in conjunction with this land along with FDNC, Mr. Machiz states they are simultaneously protective covenants. Mr. Catlett asks if there will be a

conservation easement or deed restrictions and Mr. Machiz states there will be a conservation easement.

Public Member, Steven Anderson states he is on County Route 9 and is worried about the fit with the neighborhood and the safety issues of emergency vehicles and that it would be important to wait for the decision from the Road Committee before this is approved.

Mr. Walthall asks to address the concerns of the Public, stating there won't be loud speakers, they will have no trespassing signs for hunters, there will be very little construction and there won't be much added traffic and it will be barely noticeable the rest of the year.

Mr. Richardson adds that the Boards have the ability to put conditions or restrictions as part of the approval. Chairperson Sperry states they are also working with other agencies such as the Highway Department and the County. Chairperson Eaton states that the Boards have now heard from the public so the Public Hearing can now be closed.

A motion to close the Public Hearing made by Mr. Richardson, seconded by Mr. Persing all in favor, motion carried. Chairperson Eaton states the Planning Board can now be excused.

An Application for an Interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037. Mr. Lyons states the Board can go into a closed session to get legal advice from Council since the Public Hearing was closed and since then both parties have submitted further information which brings up legal issues and should reopen the Public Hearing to give them the opportunity to go over the new information.

A motion to go into closed session made by Mr. Persing, seconded by Mr. Day all in favor, motion carried.

A motion to come out of closed session made by Mr. Day, seconded by Mr. Ooms all in favor, motion carried.

A motion to reopen the Public Hearing in July based on the new facts submitted and rescind the decision to close the Public Hearing made by Mr. Persing, seconded by Mr. Richardson all in favor, motion carried.

A motion to approve the May meeting minutes in July made by Mr. Richardson, seconded by Mr. Persing all in favor, motion carried.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Persing and the meeting adjourned at 9:16 PM.

Kandace Eaton, ZBA Chairman
July 17th, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

Town of Chatham
Meeting Minutes July 27, 2017

Zoning Board of Appeals
Draft Copy

ZBA Members Present:
Kandace Eaton, Chairperson
Daniel Persing
Adrian Ooms
Michael Richardson
Stephen Day
John Lyons – Town Attorney
Kim Garrison

Public Present: Maria Lull, Donal Collins,
Abi Mesick, Pat Collins, Robert Walker,
John & Anita Fiorillo, Sue Anderson,
Steven Anderson, Linda Laurange,
Claiborne Walthall, Meg Agnew, Larry Machiz

The meeting was called to order at 7:01 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by having each Board Member introduce themselves as well as John Lyons and Kim Garrison.

Motion to approve the May and June meeting minutes as amended, made by Mr. Day, seconded by Mr. Persing, all in favor, motion carried.

An Application for an Interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo of property located at 108 River Road, Chatham, NY 12037. Motion to go into closed session to get advice from legal counsel made by Mr. Persing, seconded by Mr. Day at 7:08pm, all in favor, motion carried.

A motion to come out of closed session made by Mr. Day, seconded by Mr. Richardson at 7:30pm, all in favor, motion carried.

Chairperson Eaton thanks the audience for coming and for their patience.

Motion to re-open the Public Hearing for an interpretation of the code 180-38A from Donal Colins & Abi Mesick made by Mr. Day, seconded by Mr. Persing, all in favor, motion carried.

Chairperson Eaton states the Board will allow the new documentation to be entered into the record, such as the Keep Farming letter from Abi Mesick, the Community Character photos as well as photos from the vantage point of the Fiorillo's home and from Highland Road and a video along with the letter from Andrew Howard which included the minutes from 2007 from the Town Board meeting. Mr. Lyons states these items were submitted after the Public Hearing was closed, therefore the Public Hearing was re-opened tonight. Chairperson Eaton asks if either of the parties had any comments regarding the interpretation only. Public Member, Mr. Fiorillo states that just to remind everyone that the 2007 Town Board minutes rejected the 25 foot set-back to a 45 foot set-back. Public Member, Ms. Mesick adds that might be what is printed but the way the law reads is not what was voted on.

A motion to close the Public Hearing made by Mr. Day, seconded by Mr. Richardson all in favor, motion carried.

Chairperson Eaton states the Public Hearing is now closed at 7:44pm, the Board will now move to discussion on the interpretation of code 180-38A.

Chairperson Eaton states the bin is located closer than 45ft from the neighboring property and that Andrew Howard provided the interpretation from the Town Board in 2007 when 180-38A was amended. Mr. Richardson adds that there was so much information was given that was not pertinent, such as community character, because it is not an area variance it is just an interpretation. Chairperson Eaton adds that most of Andrew Howard's presentation pertained to an area variance, Mr. Richardson adds that being farm friendly also has nothing to do with an interpretation. Chairperson Eaton states she spoke with Ag & Markets as well and they commented that the Board is only interpreting the Town Law. Mr. Persing states the Board is only looking at the law and where the silo is placed had nothing to do with this and only have the Town Board minutes from 2007 to go by. Mr. Richardson adds the code states within 45ft and to say that within would mean it could be 1ft from the property line, Mr. Persing adds that this would mean there is no set back at all. Chairperson Eaton states in the minutes from 2007 it describes the purpose of the revision of the code to establish a 45ft set back and in order to interpret the code properly you have to have the two sentences together.

Chairperson Eaton asks if there are any other comments from the Board. Mr. Lyons state the Board should make a motion and instruct Council to make a written decision for the August 24th, 2017 meeting.

A motion to determine the interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo of property located at 108 River Road, Chatham, NY 12037 establishes a minimum set back of 45ft and instruct Council to draft a written decision is made by Mr. Richardson, seconded by Mr. Persing, all in favor, motion carried.

An Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25). Chairperson Eaton states the Public Hearing was closed last month, the discussion now is just the Board, the Public is not involved at this point. Mr. Walthall states they have put some provisions together and have hired a traffic engineer as well as attending the most recent Town Board meeting.

Mr. Lyons states the tasks for tonight are to provide comments to the Planning Board for part II of SEQRA, then let Mr. Walthall take the Board through the special conditions. Mr. Walthall states they are required to obtain all the required permits and certifications with the County and Department of Health, and have to recertify every year. Mr. Walthall adds that they have provided the traffic impacts and will have a "no left turn" sign at the end of the driveway. Mr. Richardson asks if the Highway Department is supplying the sign or Flying Deer. Mr. Walthall states it will probably be Flying Deer, not an official sign. Mr. Lyons asks if it will be permanent, Mr. Walthall states that it will be and on high traffic days they will probably have a staff member directing traffic at the end of the driveway as well. Ms. Agnew adds that a lot of attendees repeat programs and want to follow the rules so that Flying Deer does not lose their permit. Mr. Walthall states they are also working with the Highway Superintendent about widening the road in some parts as well as brush clearing.

Mr. Walthall reads through the handout they have provided with all the special conditions.

Mr. Richardson asks that if at some point there are any variations to the conditions they would need to come back for approval, Mr. Lyons states that is correct. Mr. Walthall adds that they did set the

limitations a little high so that if there is some growth it will be covered. Mr. Persing asks when is the Flying Deer day, Ms. Agnew states it is mid June around the summer solstice and that they will definitely have a staff person directing traffic at Route 295 and the driveway.

Mr. Richardson asks about completing SEQRA, Mr. Lyons states the Board needs to go through part II and what the Planning Board determined and if you disagree or agree with the issues they have identified. Mr. Richardson states #3 states it will impact, but only for traffic and should be small impact, the Board agrees. Chairperson Eaton states #5 feels should be moderate and #9 agree with but add widening driveway. Mr. Persing and Mr. Richardson both agree with #3 little/small and leave #5 as is. Chairperson Eaton states #2 take traffic out and add residential to commercial/non-profit and construction is minimal. Mr. Lyons adds physical changes are minimal but going from residential to commercial is moderate/large.

Mr. Lyons suggests selecting a Board member to write a letter to the ZBA with the recommendations and to make reference to the conditions on the decisions.

Mr. Lyons states there will be another joint meeting on August 8th, 2017 and the Board should gather information and give Council instructions to draft a resolution to adopt at the next regular meeting on August 24th, 2017.

Chairperson Eaton asks Mr. Walthall if they give permission to extend the deadline for a decision by one day, Mr. Walthall agrees.

A motion to adjourn the meeting was made by Mr. Richardson with a second from Mr. Day and the meeting adjourned at 9:11 PM.

Kandace Eaton, ZBA Chairman
August 17th, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

To: Town of Chatham Planning Board
From: Town of Chatham Zoning Board of Appeals
Date: July 31, 2017

The Chatham Zoning Board of Appeals has reviewed the Short Form Environmental Assessment Part Two - Impact Assessment for the Flying Deer Nature Center provided by the Chatham Planning Board. We are impressed with the work you have done for this application. The following are comments/suggestions to consider from the members of Chatham Zoning Board of Appeals meeting held on July 27, 2017:

3. Will the proposed action impair the character or quality of the existing community?

Given that participant traffic to and from the property is considered in Question 5, the Zoning Board of Appeals recommends that only non-traffic related factors be evaluated as they pertain to the character or quality of the existing community. That being the case, the ZBA finds **no or small impact will occur** by the proposed action. The Flying Deer Nature Center will not be using loud speakers or creating other objectionable noises. No fumes, vibrations or high intensity/ flashing lighting will be used. Very little disturbance will occur on the property. In many aspects, the proposed action will "enhance" the character or quality of the existing community.

5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

With the proposed restrictions limiting the number of participants per activity or event and the number of days per year to 180, the Zoning Board of Appeals finds **small impact will occur** to the existing level of traffic and to the use of the road for biking and walking. In this section you may want to consider separating the higher impact summer camp days apart from the camp programs. This may bring to light that there are really only about 50-55 days a year that the road and residents may notice an increase in traffic.

NOTICE OF PUBLIC MEETING

Planning Board Zoning Board of Appeals Town of Chatham Columbia County New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals and the Planning Board of the Town of Chatham has scheduled a joint meeting on August 8, 2017 at 7:00 PM at the Chatham Town Hall located at 488 Rt. 295, Chatham, NY. The following matters will be discussed at the meeting:

Call meeting to order:

Establish a quorum:

Approval of Minutes: July 27th, 2017 meeting

Communications :

- Comments from the Town Board and Zoning Board of Appeals on SEQRA
- Engineers letter from Flying Deer Nature Center

Old Business:

- 1) An Application for site plan approval from The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25).

Zoning Board of Appeals:

- SEQRA
- Review of Special Use Permit

New Business:

- An Application for Subdivision from Thomas and Nancy Clark located at 99 Shaker Museum Rd., Tax ID#25.1-31.121/200

Adjournment

Dated August 3, 2017

Gabriella Sperry, Chairperson

Planning Board

Kandace Eaton, Chairperson

Zoning Board of Appeals

Town of Chatham
Meeting Minutes August 8, 2017

Joint Planning Board & Zoning Board of Appeals
Draft Copy

Members Present:

Public Present:

Gabriella Sperry, Planning Board Chairperson
Cindy Meyers
Angus Eaton
Robert Walker
John Catlett
Frank Haimbach
Aven Kerr
Kandace Eaton, Chairperson
Daniel Persing
Michael Richardson
Stephen Day
Adrian Ooms
John Lyons – Town Attorney
Kim Garrison
Nan Stolzenberg

Claiborne Walthall, Larry Machiz,
Telisport Putsavage, Jane Bernstein
Rebecca Sadlon, Susan Anderson
Cindy Elliot, Devlin Franklin
Meg Agnew

The August 8, 2017 Planning Board meeting was called to order at 7:00 PM by Chairperson Gabriella Sperry and the Pledge of Allegiance was led by Frank Haimbach. Chairperson Sperry began with the Approval of the minutes of the July 11, 2017 meeting motion to approve the minutes as amended with the Boards suggestion to hire a traffic engineer made by Mr. Walker, seconded by Mr. Haimbach, all in favor, motion carried.

Chairperson Sperry reads through the points on the Agenda.

Communications:

Chairperson Sperry reads letter from the Town Board regarding Part II of SEQRA.
Chairperson Sperry reads letter from the Traffic Engineer hired by FD. Chairperson Sperry reads the comments received from the ZBA regarding Part II of SEQRA.

Flying Deer Nature Center
122 Daley Road
Continuation

Chairperson Sperry states the Planning Board will now review the points of the Site Plan Review they have done. Mr. Walthall states they have made revisions to the site plan in response to the letter from their engineer. Mr. Walthall presents the Board with copies of the revised map and states it is mostly small notes. Mr. Walthall states #4 is the 26ft driveway will be widened more and angled to edge people towards the Route 9 entrance of Daley Road. Mr. Walthall states #14 is widening Daley Road shoulder for snow removal, #11 and #13 are the added signage and #12 is improved drainage by the Town.

Chairperson Sperry asks if these will disturb the neighbors and Mr. Walthall states it will not, it will improve the road. Chairperson Sperry states the Town Superintendent has stated that he agrees with these changes and the changes to Daley Road will be done regardless of the Approval of FD.

Chairperson Sperry states the Board will now review Part III of SEQRA. Mr. Eaton states the Board is working from a draft and it will be finalized in the end and reads through the narrative done by the Board. Ms. Meyers states deed restrictions should be removed. Mr. Lyons asks if the letter of intent discusses deed restrictions, Mr. Eaton states they are not defined. Ms. Stolzenberg states if it is left in the Board is saying there are deed restrictions and there may not be. Mr. Machiz states the letter reads there are conditions in order for the land to be transferred. Mr. Lyons states the Board does not have to mention deed restrictions if conditions are put on the approval. Mr. Eaton states if the conditions are made that they have to come back for any changes to the land, the Board can take out deed restrictions. The Planning Board agrees and to remove the letter of intent as well. Mr. Eaton states on #3, remove deed restrictions. Chairperson Sperry asks the ZBA if they have any comments, Chairperson Eaton states the Board felt #3 is not traffic related, that #5 deals with traffic. Ms. Stolzenberg asks if the days are 89 or 180, Mr. Walthall states they presently do 89 days but wanted 180 days in the conditions. Mr. Eaton states #5 refers to vehicles per day and road conditions.

Chairperson Sperry reads Mr. Rickert's analysis of other dirt roads in the Town. Mr. Catlett asks about 30 vehicles coming and going, Mr. Day adds 30 round trips in the morning and the afternoon. Mr. Walker states to establish 120 trips per day. Chairperson Eaton adds that many days won't have any traffic at all. Ms. Stolzenberg states to put the notes on the site plan.

Mr. Eaton reads the conclusion from the Planning Board for Part I, II, & III of SEQRA.

Motion made by Mr. Eaton to declare a negative declaration for SEQRA, seconded by Mr. Haimbach, all in favor, motion carried. Mr. Lyons states the Board should also make a motion on the Resolution adopting the negative declaration. Chairperson Sperry reads the Resolution for SEQRA.

Motion made by Ms. Kerr on the Resolution for a negative declaration for SEQRA, seconded by Mr. Walker.

Chairperson Sperry – Aye
Angus Eaton – Aye
Robert Walker – Aye
Aven Kerr – Aye
Cindy Meyers – Aye
Jonathan Catlett – Aye
Frank Haimbach – Aye

The Zoning Board of Appeals now begins the Special Use Permit, Chairperson Eaton reads through the draft resolution for the procedural history. Mr. Lyons states the purpose of the draft is to give a framework. Mr. Richardson states he feels all points of the procedural history are correct. Mr. Persing states the rental apartment should be related to FD and the house is not solely residential, offices will be used. Mr. Richardson states the residence should state it will not be a dormitory for program participants. The Board then agrees the rental should state a resident may or may not be a staff member.

Chairperson Eaton continues reading through the resolution, Mr. Richardson adds that the Septic should state other than the existing for the main house. Mr. Persing asks about the use of the land if FD were to go out of business, Mr. Lyons states that if another camp were to take over they would have to continue in accordance with the permits and would have to come back before the Boards if anything changed. Chairperson Eaton continues through the Resolution, Mr. Richardson comments to change to state in any calendar year and Chairperson Eaton adds remove hours of operation and noise in accordance with the Towns noise ordinance, the Board agrees.

Motion made by Mr. Ooms on everything discussed in the Draft Resolution, seconded by Mr. Richardson, all in favor, motion carried.

Mr. Richardson – Aye
Mr. Persing – Aye
Mr. Day – Aye
Mr. Ooms – Aye
Chairperson Eaton – Aye

Mr. Lyons states he will make the final version to adopt at the meeting on August 24, 2017.

Motion made by Mr. Richardson to Adjourn the Zoning Board at 9:19PM, seconded by Mr. Day, all in favor, motion carried.

Thomas and Nancy Clark
99 Shaker Museum Rd.
Informational

Cindy Elliot, the land surveyor representing the Applicant states there are 13.2 acres owned by Fieldstone Company and they want to take 3.04 acres from this and basically just move an imaginary line to give to the Clarks. Chairperson Sperry asks who is Fieldstone Co., Ms. Elliot states it is Tom Clark.

Mr. Eaton states they need the long form of SEQRA filled out, Ms. Elliot states she has it already done and presents it to the Board. Ms. Elliot adds that the Board has the ability to waive the long form. Chairperson Sperry asks the Board if they have any further questions, the Board has none.

Motion made by Mr. Eaton to deem the Application complete and set the Public Hearing for September 12, 2017, seconded by Mr. Haimbach, all in favor, motion carried.

Meeting Adjourned at 9:43PM

Respectfully submitted,

Erin Costa, clerk

Gabriella Sperry, Chairperson

NOTICE OF PUBLIC MEETING
Zoning Board of Appeals
Planning Board

Town of Chatham
Columbia County
New York

PLEASE TAKE NOTICE that the Zoning Board of Appeals and the Planning Board of the Town of Chatham has scheduled a joint meeting on August 24, 2017 at 7:00 PM at the Chatham Town Hall located at 488 Rt. 295, Chatham, NY. The following matters will be discussed at the meeting:

Call meeting to order:

Approval of Minutes: July 27th, 2017 meeting

Old Business:

- 1) An Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25).
- 2) Resolution adopted for an interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo in the front yard of property located at 108 River Road, Chatham, NY 12037.

New Business:

1. An Application for an Area Variance from James Moore located at 106 Percy Hill Rd., Tax ID#47.1-87, to allow two green houses that don't meet set back requirements.
2. An Application for an Area Variance from Lisa Amtower located at 106 Merwin Rd., Tax ID#45.1-29.200, to allow run in shed that don't meet set back requirements.

Adjournment

Dated August 14, 2017

Kandace Eaton, Chairperson
Zoning Board of Appeals

Gabriella Sperry, Chairperson
Planning Board

* Attach the resolutions

Town of Chatham
Meeting Minutes August 24, 2017

Joint Planning Board & Zoning Board of Appeals
Draft Copy

ZBA Members Present:

Kandace Eaton, Chairperson

Daniel Persing

Adrian Ooms

Michael Richardson

Stephen Day

Gabriella Sperry, Planning Board Chairperson

Cindy Meyers

Angus Eaton

Robert Walker

John Catlett

Frank Haimbach

Aven Kerr

Kim Garrison - Town Attorney

Nan Stolzenberg

Public Present: Maria Lull, Donal Collins,

John & Anita Fiorillo, Arti Ross Kelso

Norman Levine, Rebecca Sadlon, James Moore

Claiborne Walthall, Michelle Aplan, Larry Machiz

Emelia Teasdale

PLANNING BOARD

MEMBERS,

The meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by having each Board Member introduce themselves as well as John Lyons and Kim Garrison.

An Application for The Flying Deer Nature Center, a not-for-profit organization, seeks permission to operate a year-round recreational facility nature center and summer camp, primarily for children, on certain property located at 122 Daley Road in the Town of Chatham (Tax Parcel No. 57.-1-25). Chairperson Eaton reads through the Resolution beginning at Be it Further... A motion is then made on the Resolution by Mr. Richardson, seconded by Mr. Persing.

Kandace Eaton, Chairperson - Aye

Daniel Persing - Aye

Adrian Ooms - Aye

Michael Richardson - Aye

Stephen Day - Aye

The Planning Board then begins by Opening their Public Hearing by Motion by Mr. Eaton, seconded by Mr. Walker, all in favor, motion carried.

Chairperson Sperry reads through the Resolution for Site Plan Review, then asks the Board if there are any further comments.

A motion to Close the Public Hearing of the Planning Board made by Mr. Haimbach, seconded by Mr. Eaton, all in favor, motion carried.

A motion on the Resolution is made by Mr. Eaton, seconded by Mr. Walker.

Gabriella Sperry, Chairperson - Aye

Angus Eaton - Aye

Robert Walker - Aye

Frank Haimbach - Aye

Cindy Meyers - Aye
Jonathan Catlett - Aye
Aven Kerr - Aye

Mr. Machiz and Ms. Apland then thank the Boards for all their work and effort, Ms. Garrison also thanks the Boards for the coordinated reviews.

A motion to come out of closed session made by Mr. Day, seconded by Mr. Richardson at 7:30pm, all in favor, motion carried.

Motion to adjourn the Planning Board made by Mr. Walker, seconded by Ms. Kerr, all in favor, motion carried.

Motion to approve the July meeting minutes as written, made by Mr. Day, seconded by Mr. Persing, all in favor, motion carried.

An Application for an Interpretation of the code 180-38A from Donal Colins & Abi Mesick regarding the placement of a grain bin/silo of property located at 108 River Road, Chatham, NY 12037. Chairperson Eaton reads through the Final Resolution, Ms. Garrison adds that at last months meeting the Board closed the Public Hearing and the Board then reviewed and voted on the Resolution. Mr. Collins asks if they may proceed with an ^{application for an} Area Variance, Chairperson Eaton states they can at this point. ✓

~~Submit an application~~
An Application for an Area Variance from James Moore located at 106 Percy Hill Rd., Tax ID#47.1-87, to allow two green houses that don't meet set back requirements. James Moore, the Builder representing the Home Owner, states there won't be concrete foundations, just posts. Chairperson Eaton adds they are in the RL2 zone as well as the Agricultural District and have 18 acres, Mr. Moore confirms. Chairperson Eaton asks if they are both 24' x 20', Mr. Moore states they are 50 ft. Mr. Day asks if the root cellar is not included in the variance because it meets the set backs, Mr. Moore states that is correct.

Ms. Garrison then reads through the definition of an Accessory Use Structure. Mr. Moore adds they are temporary structures, however they will not be taken down. Mr. Day adds that this is also on a dirt road. Mr. Richardson asks how far they will be from the road, Mr. Moore states they will be 38ft from the center of the road. Chairperson Eaton asks how far along is the construction, Mr. Moore states the steel posts and the drilling underground is done.

Chairperson Eaton states the Board needs the measurement from the side yard as well as from the center of the road. Mr. Richardson asks what the square footage is of the structures, Mr. Moore states he is not sure. Mr. Richardson adds that if they are 200 sq. ft. or less they can be 10ft from the property line. Mr. Moore states that if the variance is not granted they won't be able to do the green houses, there is a leech field and a drop off further back.

Ms. Garrison states this would be considered a farm building under 180-38A of the Town of Chatham code. Mr. Richardson asks what are the major obstacles for the Board, Ms. Garrison the Board has the 5 point test they have to consider. Mr. Richardson suggests talking to the people who sold them the green houses to find out why they are the size they are and the benefits of the size. Mr. Moore states he is the carpenter, the owner of the property would have these answers.

Chairperson Eaton states the Board needs further information for the application to be complete, such as more detail on the map, written narrative, if there are any other structures within 200ft, location of septic, and once the application is complete a Public Hearing will be set and a Resolution passed.

An Application for an Area Variance from Lisa Amtower located at 106 Merwin Rd., Tax ID#45.1-29.200, to allow run in shed that doesn't meet set back requirements. Mr. Richardson asks if the size is 12' x 36' and how far back from the road the shed will be, Norman Levine, the Applicant states it is and will be 31ft from the center of the road. Mr. Ooms states he is familiar with the property and it slopes down if you go any further back, Mr. Levine confirms this and explains the property line. Ms. Garrison states only one variance is needed for the front yard on the side facing the road and asks the Applicant to explain a run-in shed. Mr. Levine states it is a 3-sided building without any power, strictly for horses to get out of bad weather.

Ms. Garrison states at this point the Board can ask more questions or determine the Application complete. Mr. Persing asks if they are just asking for an area variance, Mr. Levine states that's correct. Chairperson Eaton states the Board needs to answer the 5 points, Ms. Garrison adds the cover letter basically covers the written narrative. Chairperson Eaton asks if SEQRA is required, Ms. Garrison states it is a Type II action and not required.

A motion to deem the Application complete and set the Public Hearing for September 28, 2017 made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

Ms. Garrison states per 180-55 of the Town of Chatham code the Application should be forwarded to the Town of Chatham Planning Board for their opinion.

A motion to adjourn the meeting was made by Mr. Persing with a second from Mr. Day and the meeting adjourned at 9:01 PM.

Kandace Eaton, ZBA Chairman
September 21st, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

Town of Chatham
Meeting Minutes September 28, 2017

Zoning Board of Appeals
Draft Copy

ZBA Members Present:

Kandace Eaton, Chairperson
Daniel Persing
Adrian Ooms
Michael Richardson
Stephen Day
John Lyons - Town Attorney
Kim Garrison

Public Present: Norman Levine

The meeting was called to order at 7:00 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by asking to have the Resolutions attached to the minutes on the Town Website.

Motion to approve the August meeting minutes as amended, made by Mr. Persing, seconded by Mr. Day, all in favor, motion carried. The ZBA members and Planning Board members were separated and it was noted that the word "submit an application" should be added to the sentence read

Public Hearing:

An Application for an Area Variance from Lisa Amtower located at 106 Merwin Rd., Tax ID#45.1-29.200, to allow run in shed that doesn't meet set back requirements.

A Motion to open the Public Hearing at 7:16pm made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

A motion to Close the Public Hearing at 7:17pm made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

Chairperson Eaton then goes through the Area Variance Test with the Board. The Board reviews the characteristics of the neighborhood, Mr. Ooms states the shed will not affect this and Mr. Richardson adds there are several others already there. Chairperson Eaton states they have the receipts from the letters notifying the neighbors. The Board reviews alternatives that would not require a variance which there are none due to the slope of the field. The Board reviews the Substantiality of the variance, Mr. Persing states it is a 59% deviation, Mr. Richardson adds that the square footage is greater than 200 but is less than 15 feet in height. Chairperson Eaton reviews the effects on physical or environmental conditions. Mr. Richardson asks if there will be any lighting, Mr. Levine states they may have a floodlight. Mr. Lyons states the footprint is minimal, Chairperson Eaton adds it won't produce traffic, dust, noise or odors. Mr. Ooms adds that the back of the shed also has to face north otherwise it will fill with snow. Chairperson Eaton states the variance is self-created, Mr. Lyons states this is not detrimental to an Area Variance.

Chairperson Eaton states this is a 44ft variance, Ms. Garrison states it is numerically substantial but not impact substantial.

A motion to approve the Application for an Area Variance made by Mr. Ooms, seconded by Mr. Richardson, all in favor, motion carried.

An Application for an Area Variance from James Moore located at 106 Percy Hill Rd., Tax ID#47.1-87, to allow two green houses that don't meet set back requirements. Applicant did not appear.

A motion to table the Application for another month made by Mr. Ooms, seconded by Mr. Richardson, all in favor, motion carried.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Ooms and the meeting adjourned at 8:07 PM.

Kandace Eaton, ZBA Chairman
October 19th, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

Approved 11/30/17.

Town of Chatham
Meeting Minutes October 26, 2017

Zoning Board of Appeals
Draft Copy

ZBA Members Present:

Daniel Persing, Deputy Chairperson
Stephen Day
Adrian Ooms
Michael Richardson
John Lyons - Town Attorney

Public Present: Donal Collins, Pat Collins
John & Anita Fiorillo

The meeting was called to order at 7:06 PM and the Pledge of Allegiance was recited. Deputy Chairperson Persing begins by asking each Board Member to introduce themselves including the Attorney.

Motion to approve the September meeting minutes as written, made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

Deputy Chairperson Persing states the Application for an Area Variance from James Moore located at 106 Percy Hill Rd., Tax ID#47.1-87, to allow two green houses that don't meet set back requirements has been withdrawn by the Applicant.

New Business:

An Application for an Area Variance from Donal Collins & Abi Mesick located at 108 River Rd., Tax ID#56.1-42, to allow a grain bin that doesn't meet set back

requirements. Deputy Chairperson Persing states this is a new application submitted for an area variance and the Board cannot accept anything from before. Donal Collins, the Applicant presents the Board with a brief presentation. Mr. Day asks for clarification on the wires on the placement and do they supply the house, Mr. Collins shows the location and it does supply the house. Mr. Collins then presents the Board with colored photos of similar grain bins and of neighboring properties. Deputy Chairperson Persing asks if the grain delivery truck pulls all the way off the road, Mr. Collins is does and it is inside the fence line as well. Deputy Chairperson Persing asks about the shrubbery, Mr. Collins states it is mostly lilacs. Mr. Collins adds that the location of the bin is also better for fire trucks so that they can pull closer to the house if ever needed.

Mr. Richardson asks about any structures within 200ft of their property line, Mr. Collins states his neighbors RV, but will have to check if there is anything else. Deputy Chairperson Persing states they also need the current property owners listed on the map as well as notifying their neighbors for the public hearing. Deputy Chairperson Persing asks if SEQRA is needed, Mr. Lyons states the Board can waive it. Mr. Richardson states the Board could deem the application complete on the condition the additional information is received prior to the ^{November} December meeting. Mr. Collins states he will bring it into the Building Department.

A Motion to deem the Application complete with the two conditions being met and to schedule the Public Hearing for November is made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

A motion to refer the Application to the Town of Chatham Planning Board is made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

A motion to classify the Application as a Type II Action is made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

A motion to schedule the Public Hearing for November 30, 2017 at 7:15PM is made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

Discussion:

The Board discusses moving the Application deadline from 10 days to 14 days.

A motion to change the Application deadline is made by Mr. Richardson, seconded by Mr. Day, all in favor, motion carried.

A motion to adjourn the meeting was made by Mr. Richardson with a second from Mr. Day and the meeting adjourned at 7:55 PM.

Kandace Eaton, ZBA Chairman
November 16th, 2017

Respectfully submitted by
Erin Costa, ZBA Clerk

Zoning Board of Appeals Agenda – November 30, 2017

- Call Meeting to Order – time
- Pledge
- Roll Call – Introduce members of the Board - Determining if a Quorum
 - Daniel Persing Stephan Day Michael Richardson, Adrian Ooms, Kandace Eaton (4 members must be present)
 - John Lyons Kim Garrison Counsel
- Erin costa – ZBA clerk
- Minutes –
 - Read, amend if necessary, and approve minutes.
- Opening Statement
 - Welcome the public to the meeting

1. Public Hearing:.

A Public Hearing for an Area Variance from Donal Colins & Abi Mesick to allow the placement of a grain bin/silo in the yard of property located at 108 River Road, Chatham, NY 12037. The notice is based on a permit denial of Zoning Law 180-38 Agricultural uses. Farm buildings, other than a dwelling, shall not be erected within 100 feet of a neighboring property. However, in both the Hamlet-One and Hamlet-Two zones, respectively, such farm buildings may be erected within 45 feet of a neighboring property.

Before we begin the public hearing, we need to document that the following conditions for a complete application have been met:

- Structures within 200 feet of the property line documented.
- Current property owners listed on the map.
- Notification to the neighbors complete and receipts presented.

Motion to accept documentation and deem application complete? – is this necessary?

- The application has been accepted, notifications to paper and website completed.
- Call the public hearing to order. *Stephen -*
- Starting the meeting attime
- Rules to be followed:
 - We appreciate the concern that you have for our community. We value the information that you would like to share with us.
 - There are a few procedural items that will ensure this will be a productive meeting.
 - Everyone that would like to share pertinent information about the issue at hand will have time to speak. We are interested in your thoughts and related information; but, not Personal attacks. If there is further information you would like us to review, you may provide us with written documentation.
 - When you share your information, you will address only the ZBA.
 - Be courteous to whoever is speaking. Do not call out or interrupt. You may have time at the end to give a rebuttal.
- *Identify name & address to be recorded*
- At this time, we will allow the public to present their position on this issue. If you would like to share, please raise your hand and we will invite you to come forward to talk to the board.
- Motion to Close Public meeting and record time.

*Keep public meeting open - until next time |
close next time*

Motion to adjourn -

Dec. 28th

*Approved
Minutes*

Town of Chatham
Meeting Minutes December 28, 2017

Zoning Board of Appeals
Draft Copy

ZBA Members Present:

Kandace Eaton, Chairperson
Daniel Persing, Deputy Chairperson
Stephen Day
Michael Richardson
Absent - Adrian Ooms
John Lyons - Town Attorney
Kim Garrison

Public Present: Donal Collins, Pat Collins
Abi Mesick, Jacob Mesick, Randy Goold
John & Anita Fiorillo, Kent Pratt
Maria Lull

The meeting was called to order at 7:05 PM and the Pledge of Allegiance was recited. Chairperson Eaton begins by asking each Board Member to introduce themselves including the Attorney.

Motion to approve the November meeting minutes as written, made by Mr. Day, seconded by Mr. Ooms, all in favor, motion carried.

Old Business:

An Application for an Area Variance from Donal Collins & Abi Mesick located at 108 River Rd., Tax ID#56.1-42, to allow a grain bin that doesn't meet set back requirements.

Chairperson Eaton states this is a continuance of the Public Hearing from last month and reads the code 180-38.

Chairperson Eaton states the Board is still able to hear input from the Public. Motion to open the Public Hearing at 7:10pm, made by Mr. Persing, seconded by Mr. Richardson, all in favor, motion carried. Chairperson Eaton reads aloud the rules for a Public Hearing.

Mr. Collins presents the Board with additional information and reads through the packet and a letter submitted from New York Ag & Markets. Mr. Richardson asks to interrupt, and asks Mr. Collins to stay focused on the 5 points for a variance. Chairperson Eaton states the Board understands the issues they have dealt with. Mr. Collins adds the variance their neighbors received and lastly argues certain points from the letter from Andrew Howard specifically the threat to the road or other properties.

Ms. Mesick refers to the 5 points of a variance and that the silo is not a threat to the health and safety. Ms. Mesick adds contrary to Mr. Richardson's request that it's the Boards duty to listen to what the Public has to say and sift thru what are the important issues. Chairperson Eaton states the Board will sift thru the information presented based on the criteria and make a decision and it is not the Boards goal to upset anyone. Ms. Mesick adds

there was a letter from the Chatham Agricultural Partnership that they asked to be read and submitted for the record, Ms. Costa reads the letter.

Motion to close the Public Hearing at 7:37pm, made by Mr. Persing, seconded by Mr. Richardson, all in favor, motion carried.

Chairperson Eaton begins the discussion to apply the test for the Area Variance starting with the first point regarding the change to the neighborhood. Mr. Richardson states the silo does not make an undesirable change, if anything it makes it better. Chairperson Eaton adds the farm on Highland Road is certainly not aesthetic, there many other buildings that are also close to the road and the Collins parcel is now included in the Agricultural district. Mr. Persing adds it is compatible with the entire neighborhood. Mr. Ooms and Mr. Day agree it is not an undesirable change to the neighborhood.

Chairperson Eaton moves on to the substantiality, adding that some may argue it should be 45ft plus 25ft from the center of the road and that the variance is around 50% which is substantial, but not the only indicator. Mr. Richardson asks counsel for input, Mr. Lyons states this can be a subjective element and is sometimes appropriate. Chairperson Eaton states the Board has approved two variances since this began and did not take into consideration the 25ft from the road. Chairperson Eaton reads the Ag. & Markets letter regarding set-backs. Mr. Richardson states it is for the Town Board to decide on a farm or not. Mr. Lyons states that if the variance is denied Ag. & Markets has the ability to overturn the decision if they feel it is unreasonable and that the benefit of the balancing test is to realize the health and safety of others. Mr. Richardson and Mr. Persing feel it is a substantial variance, although it does not affect the health and safety of others. Mr. Day adds that the health and safety of others would not change if the silo was moved back either. Chairperson Eaton states the Board is in agreement that the variance is substantial.

Chairperson Eaton states the next step is the health and safety as well as dust or noise impact to others. Chairperson Eaton adds that the silo doesn't produce any dust, noise, drainage and it doesn't impact emergency services and also talked with Joe Rickert who doesn't have any concerns with the road and they showed traffic still flows when deliveries are made. Mr. Persing states the topography of the property just wouldn't work to put the silo any place else. Chairperson Eaton adds that there was a variance on the same road due to the topography of that property. Mr. Richardson adds that it still would have been better to have dealt with the variance before placing the bin in its location.

Chairperson Eaton moves to the next point of self-creation, Mr. Persing adds that it was done without a permit making it self-created. Chairperson Eaton adds that most variances are self-created because owners don't always know everything before they purchase a property.

Chairperson Eaton asks John Lyons what the process is at this point, Mr. Lyons states to go back to the main test of does the benefit to the applicant outweigh the health and safety of others. Chairperson Eaton states the benefit to the owner is significant and the threat to the community is none at all. Mr. Richardson adds that moving the silo back wouldn't change the traffic from where it is now. Mr. Persing adds there is no other detriment to the public if the variance is granted. Mr. Richardson states they don't want to set a precedent but this case does fit the community character. Mr. Lyons suggests drafting a resolution for next month with the reasoning behind granting the variance with an official vote incase of an Article 78 being filed. Chairperson Eaton and the Board members agree on the resolution.

A motion to adjourn the meeting was made by Mr. Day with a second from Mr. Ooms and the meeting adjourned at 8:24 PM.

Kandace Eaton, ZBA Chairman
January 11th, 2018

Respectfully submitted by
Erin Costa, ZBA Clerk